

REMEDIATION AND REDEVELOPMENT (RR) NEWS FROM WISCONSIN DNR

Dry Cleaner's Reimbursement Rule:

Chapter NR 170, the Dry Cleaner's Environmental Response (DCER) rule, will go before the Natural Resources Board for public hearing authorization at the January 26-27, 1999 Board meeting. The rule provides for reimbursement of eligible cleanup expenses at eligible dry cleaning facilities. For more information on the DCER program, contact Robin Schmidt at 608-267-7569.

Brownfields Study Group Report:

The DNR will be making the report available to the Legislature and to the general public in early January, 1999. Interested parties can also access the entire proceedings of the Brownfields Study Group and the final report at the following internet address:

www.dnr.state.wi.us/org/aw/rr/redev. The report also can be ordered by calling (800) 367-6076 for in state, long distance callers or by calling (608) 264-6020 for Madison callers or out-of state callers.

Case Closure Reconsideration:

The RR program has completed a three tiered process for responsible parties (and others) to use when they disagree with a DNR case closure determination. The first tier consists of further discussion with the regional DNR staff contact, who may either confirm the close-out determination or take the case back to the regional close-out committee for reconsideration. If the disagreement remains, the second tier may be used. The second tier is a determination by the Regional RR Program Team Supervisor, who may either confirm the original determination or take the case back to the close-out committee for reconsideration. If this doesn't resolve the disagreement, the question will be elevated to the regional Air & Waste leader. The Air & Waste leader will either send the case back to the close-out committee for reconsideration, or confirm the original determination in a "findings of fact/conclusions of law" letter, including the notice of appeal rights required by s. 227.48(2), Wis. Stats. The appeal rights allow 30 days to either request a contested case hearing or to file a petition for judicial review.

Natural Attenuation Closures at Voluntary Party Liability Exemption (VPLE)

Sites:

DNR has been evaluating the feasibility of issuing VPLE certificates of completion at sites where groundwater enforcement standard exceedences remain, but natural attenuation has been demonstrated to be effective. The agency's major concern is that the state could take on a financial burden to complete a failed remedy after a certificate has been issued. DNR is requesting a statutory change allowing the issuance of VPLE certificates for sites above enforcement standards if a satisfactory financial assurance mechanism, such as environmental insurance, is purchased by private parties. Until a statutory change is made and administrative rules enacted, VPLE properties must not have groundwater contamination levels above enforcement standards in order to receive certificate of completion.

VPLE Application Form:

In our previous listserv announcement, we neglected to include the web site address for the voluntary party liability exemption (VPLE) application form. The address is -
<http://www.dnr.state.wi.us/org/aw/rr/archives/pubs/4400-178.pdf>

PECFA in the News:

The Legislature's Joint Committee for Review of Administrative Rules will meet again on December 29, 1998. The Committee has directed the Departments of Natural Resources and Commerce to develop emergency rules by December 29th which include PECFA redesign initiatives being developed for the Governor's budget bill. The Committee has stated that they will decide on the 29th whether the emergency rule language is satisfactory, and whether to suspend the PECFA administrative rule. Significant fiscal savings to the PECFA program, however, would require statutory change.

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